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dba Tulare Regional Medical Center

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE  
DISTRICT, dba TULARE  
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897  
Address: 869 N. Cherry St.  
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-34

Date: November 15, 2018  
Time: 9:30 a.m.  
Place: 2500 Tulare Street  
Fresno, CA 93721  
Courtroom 13  
Judge: Honorable René Lastreto II

**MOTION FOR ORDER APPROVING AGREEMENT RELATING TO RELIEF  
FROM THE AUTOMATIC STAY (GUTIERREZ)**

TO THE HONORABLE JUDGE OF THE UNITED STATES BANKRUPTCY  
COURT:

TULARE LOCAL HEALTHCARE DISTRICT, dba TULARE REGIONAL  
MEDICAL CENTER (the "District" and/or "Debtor") hereby files this Motion for Order  
Approving Agreement Relating to Relief From Stay ("Motion") which seeks an order  
pursuant to 11 U.S.C. §§ 901 and 362 as complimented by FRPB 4001(d) approving

1 the Stipulation for Relief From the Automatic Stay ("Stipulation") entered into between  
2 TRMC and SENOVIA GUTIERREZ ("Plaintiff", collectively "the Parties").

3 This Motion is based on the Motion and Exhibits thereto, the Notice of Hearing  
4 on the Motion, the Declaration of Danielle J. Bethel in Support of the Motion, the files,  
5 pleadings and orders on file in this Chapter 9 case, and such other and further  
6 evidence as made properly before the Court.

7 The District respectfully requests that this Court enter an order pursuant to 11  
8 U.S.C. §§ 901 and 362 as complimented by FRPB 4001(d) approving the Stipulation  
9 as follows:

10 1. On September 30, 2017, the District commenced a voluntary case under  
11 Chapter 9 of Title 11 of the United States Bankruptcy Code in the United States  
12 Bankruptcy Court, Eastern District of California ("Petition Date").

13 2. Prior to the Petition Date, Plaintiff initiated a lawsuit against the District  
14 requesting declaratory relief pertaining to Plaintiff's status as a duly elected  
15 representative of the District's Board for Area 3, the date of administration of Plaintiff's  
16 oath as a Board Member, the date Plaintiff was declared elected as a Board Member of  
17 Area 3 of the District, as well as the scope of authorization pertaining to Plaintiff's  
18 duties as a Board Member of Area 3 of the District, in the matter styled *Senovia*  
19 *Gutierrez v. Tulare Local Healthcare District, dba Tulare Regional Medical Center,*  
20 *Richard Torrez, Michael Jamaica, Kevin Northcraft, and Does 1-25, inclusive, Tulare*  
21 *County Superior Court case no. 271265* (the "Lawsuit").

22 3. After negotiation, the Parties have reached an agreement on a final  
23 stipulated judgment, to be entered by the Tulare County Superior Court, which would  
24 resolve all of the claims encompassed by the Lawsuit.

25 4. Relief from the automatic stay is required in order for the Parties to  
26 conclude the Lawsuit.

27 5. Accordingly, the Parties have agreed to allow the Automatic Stay to be  
28 modified pursuant to the terms and conditions stated herein.

1           6.     Accordingly, the Parties have stipulated to terms and conditions  
2 concerning the relief required to lift the stay to allow the Lawsuit to continue for the sole  
3 purpose of entering a final judgment and order for equitable and other relief  
4 ("Stipulation"). True and correct copies of the Stipulation and proposed form of order  
5 are attached hereto as Exhibits "A" and "B", respectively, as required under F.R.B.P.  
6 4001(d)(1)(A).

7           7.     The District hereby seeks Court approval of the Stipulation.

8           WHEREFORE, the Debtor respectfully requests this Court enter an order  
9 approving the Stipulation and for such other relief as is just and proper.

10          Dated: October 24, 2018

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a Professional Corporation



Danielle J. Bethel,  
Attorneys for Debtor, Tulare Local Healthcare  
District, dba Tulare Regional Medical Center